

NOT DESIGNATED FOR PUBLICATION  
ARKANSAS COURT OF APPEALS  
D.P. MARSHALL JR., JUDGE

DIVISION II

CACR06-999

25 April 2007

BILLY RAY SCOTT,  
APPELLANT

AN APPEAL FROM THE YELL  
COUNTY CIRCUIT COURT  
[CR-05-27]

v.

STATE OF ARKANSAS,  
APPELLEE

HONORABLE PAUL EDWARD  
DANIELSON, CIRCUIT JUDGE

AFFIRMED

A jury convicted Billy Ray Scott of murder in the second degree and the circuit court sentenced him to five years in prison. Scott appeals, arguing that the State failed to prove he killed Charlie Watts with the required intent. A person commits murder in the second degree if:

- (1) He or she knowingly causes the death of another person under circumstances manifesting extreme indifference to the value of human life; or
- (2) With the purpose of causing serious physical injury to another person, he or she causes the death of any person.

Ark. Code Ann. § 5-10-103 (Repl. 1993).

On the day of the murder, Scott was riding his ATV toward his home. He stopped at Watts's nearby home and asked him if he had sold some of his puppies. As Scott was leaving, Watts began to shout at him, accusing Scott of scaring one of the puppies by revving his ATV's engine. Scott went home, but Watts continued to shout at him and followed. Scott stood on his front porch and told Watts to "go home" three times. Watts ignored him. Scott went inside and retrieved his twelve-gauge shotgun, which was by the door because he had been having problems with armadillos. Scott then returned to the porch and told Watts to leave again. When Watts was approximately sixty

feet from him, Scott shot once and killed Watts.

Scott argues that the State failed to prove that he acted knowingly. To be convicted, Scott had to have been aware of the circumstances surrounding Watts's murder and that his conduct under those circumstances was practically certain to cause Watts's death. Ark. Code Ann. § 5-2-202 (2) (Repl. 2006). Scott admitted at trial that he could have gone inside and closed his door rather than shooting Watts. Instead, Scott got his shotgun, put a round in the chamber, aimed at Watts, and shot him in the chest. Pointing a loaded gun at another person during an argument manifests extreme indifference to the value of human life. *Price v. State*, 347 Ark. 708, 719–20, 66 S.W.3d 653, 660 (2002). Because the jury could infer Scott's intent from all the facts, substantial evidence supports the jury's verdict that he knowingly caused Watts's death under circumstances manifesting extreme indifference to his neighbor's life. *Price*, 347 Ark. at 718, 66 S.W.3d at 659 (2002).

Affirmed.

PITTMAN, C.J. and MILLER, J., agree.